

26657. Adulteration of butter. U. S. v. Isaac Evans Wilson. Plea of nolo contendere. Fine, \$100. (F. & D. no. 37059. Sample no. 48726-B.)

This case involved butter which contained less than 80 percent of milk fat.

On November 3, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Isaac Evans Wilson, a member of a partnership trading as the Americus Ice Cream & Creamery Co., Americus, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 14, 1936, from the State of Georgia into the State of Florida of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On November 23, 1936, the defendant entered a plea of nolo contendere and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

26658. Misbranding of peanut butter. U. S. v. Martin Peanut Products Corporation. Plea of guilty. Fine, \$50 on first count; sentence suspended on remaining count. (F. & D. no. 37060. Sample no. 53701-B.)

This case involved a shipment of peanut butter which was short weight.

On July 1, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Martin Peanut Products Corporation, trading at Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 19, 1935, from the State of New York into the State of Washington of a quantity of peanut butter that was misbranded. The article was labeled in part: "Reliance Brand, R P F Peanut Butter, Net Wt. 16 Oz. * * * Packed For Reliance Pure Foods, Seattle, U. S. A."

The article was alleged to be misbranded in that the statement "Net Wt. 16 Oz", borne on the jar label, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser since the jars did not contain 16 ounces net weight of the article but did contain a less amount.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 on count 1 and ordered that sentence be suspended on count 2.

M. L. WILSON, *Acting Secretary of Agriculture.*

26659. Adulteration and misbranding of olive oil. U. S. v. 9 Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered destroyed or sold. (F. & D. no. 37376. Sample no. 65641-B.)

This case involved olive oil which was adulterated with tea-seed oil. The label of the product indicated that it was packed by a firm other than the actual packer and bore false and fraudulent health claims.

On March 16, 1936, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine 1-gallon cans of olive oil at Nashua, N. H., alleging that the article had been shipped in interstate commerce on or about January 7, 1936, by John Zedros from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: "Alma Brand Health Pure Imported Olive Oil * * * John Zedros, Boston, Mass."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements, borne on the can label, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Main panels) "Health * * * Pure Imported Olive Oil [designs of leaves and fruit of the olive tree]"; (side panels) "Alma Brand Olive Oil is a superior